

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

<b>WALTER R. COX, SR.</b>	<b>:</b>	<b>CIVIL ACTION NO. 2:10-cv-1521</b>
<b>VERSUS</b>	<b>:</b>	<b>JUDGE TIMBLE</b>
<b>WARDEN, ELAYN HUNT CORRECTIONAL CENTER</b>	<b>:</b>	<b>MAGISTRATE JUDGE KAY</b>

**REPORT AND RECOMMENDATION**

Before the court is the application for writ of habeas corpus by petitioner, Walter R. Cox, Sr. Doc. 1. The court issued an order on May 22, 2013, denying several of petitioner's motions and imposing a requirement that petitioner seek leave of court before filing any additional motions. Doc. 67. That order was forwarded to petitioner at his last known address—Elayn Hunt Correctional Center ("EHCC"), P.O. Box 174, St. Gabriel, LA 70776. However, correspondence was returned undelivered on May 31, 2013 with the notation: "Not at EHCC." Doc. 68.

Local Rule 41.3 of the United States District Court, Western District of Louisiana provides the following:


The failure of an attorney or pro se litigant to keep the court apprised of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to the court for the reason of an incorrect address and no correction is made to the address for a period of 30 days.

More than thirty days have elapsed since the court's correspondence was returned.

Therefore, IT IS RECOMMENDED that plaintiff's civil rights complaint be DISMISSED WITHOUT PREJUDICE.

Pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties have fourteen (14) days from receipt of this Report and Recommendation to file written objections with the Clerk of Court. Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days of receipt shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1429–30 (5th Cir. 1996).

THUS DONE this 27<sup>th</sup> day of July, 2013.

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KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE